

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

CARLOS ULISES LOBO,

Defendant.

CASE NO. 08cr4127
11cv2473

ORDER

HAYES, Judge:

The matter pending before the Court is the Certificate of Appealability for the Notice of Appeal (ECF No. 84) filed by Defendant Carlos Ulises Lobo.

On February 29, 2012, this Court entered an order denying Defendant's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The Court concluded that the Defendant was not entitled to relief on the grounds that his trial counsel and his appellate counsel rendered ineffective assistance of counsel in violation of his Sixth Amendment rights. (ECF No. 81).

On April 23, 2012, Defendant filed a Notice of Appeal. (ECF No. 83).

A certificate of appealability must be obtained in order to pursue an appeal from a final order in a Section 2255 habeas corpus proceeding. 28 U.S.C. § 2253(c)(1)(B). A certificate of appealability may issue “if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A certificate should issue where the prisoner shows that jurists of reason would find it debatable whether the petition states a valid claim of

1 the denial of a constitutional right, and whether the district court was correct in its procedural
2 ruling. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court finds that reasonable
3 jurists would not find Defendant's claim that he was denied his Sixth Amendment right to
4 effective assistance of counsel in this case to be debatable.

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the Certificate of Appealability filed by Defendant
7 Carlos Ulises Lobo (ECF No. 84) is denied.

8 DATED: April 27, 2012

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10 **WILLIAM Q. HAYES**
11 United States District Judge

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